



General Assembly

February Session, 2008

Raised Bill No. 704

LCO No. 3369

03369_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE RELEASE, SALE AND ACCURACY OF
CONVICTION INFORMATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (h) of section 31-51i of the 2008 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective May 1, 2008*):

4 (h) (1) For the purposes of this subsection: (A) "Consumer reporting
5 agency" means any person who regularly engages, in whole or in part,
6 in the practice of assembling or preparing consumer reports for a fee,
7 which reports compile and report items of information on consumers
8 that are matters of public record and are likely to have an adverse
9 effect on a consumer's ability to obtain employment, but does not
10 include any public agency; (B) "consumer report" means any written,
11 oral or other communication of information bearing on an individual's
12 credit worthiness, credit standing, credit capacity, character, general
13 reputation, personal characteristics or mode of living; and (C)
14 "criminal matters of public record" means information obtained from
15 the Judicial Department relating to arrests, indictments, convictions,
16 [erased records, pardons and] outstanding judgments, and any other

17 conviction information, as defined in section 54-142g.

18 (2) Each consumer reporting agency that issues a consumer report
19 that is used or is expected to be used for employment purposes and
20 that includes in such report criminal matters of public record
21 concerning the consumer shall:

22 (A) At the time the consumer reporting agency issues such
23 consumer report to a person other than the consumer who is the
24 subject of the report, provide the consumer who is the subject of the
25 consumer report (i) notice that the consumer reporting agency is
26 reporting criminal matters of public record, and (ii) the name and
27 address of the person to whom such consumer report is being issued;

28 [(B) Access the conviction information available to the public on the
29 Internet web site of the Judicial Department to verify, as of the date the
30 consumer report is issued, the accuracy of any criminal matters of
31 public record contained in the consumer report;]

32 [(C)] (B) Maintain procedures designed to ensure that any criminal
33 matter of public record reported is complete and up-to-date as of the
34 date the consumer report is issued, which procedures shall, at a
35 minimum, conform to the requirements set forth in section 2 of this act.

36 (3) This subsection shall not apply in the case of an agency or
37 department of the United States government seeking to obtain and use
38 a consumer report for employment purposes if the head of the agency
39 or department makes a written finding pursuant to 15 USC
40 1681b(b)(4)(A).

41 Sec. 2. (NEW) (*Effective May 1, 2008*) (a) Notwithstanding the
42 provisions of subsection (e) of section 54-142a of the general statutes
43 and section 54-142c of the general statutes, with respect to any person,
44 including, but not limited to, a consumer reporting agency as defined
45 in subsection (h) of section 31-51i of the 2008 supplement to the general
46 statutes, as amended by this act, who purchases criminal matters of

47 public record, as defined in said subsection (h), from the Judicial
48 Department, the department shall make available to such person
49 information concerning such criminal matters of public record that
50 have been erased pursuant to section 54-142a of the general statutes.
51 Such information may include docket numbers or other information
52 that permits the person to identify and permanently delete records that
53 have been erased pursuant to section 54-142a of the general statutes.

54 (b) Each person, including, but not limited to, a consumer reporting
55 agency, that has purchased records of criminal matters of public record
56 from the Judicial Department shall, prior to disclosing such records, (1)
57 purchase from the Judicial Department, on a monthly basis or on such
58 other schedule as the Judicial Department may establish, any updated
59 criminal matters of public record or information available for the
60 purpose of complying with this section, and (2) update its records of
61 criminal matters of public record to permanently delete such erased
62 records. Such person shall not further disclose such erased records.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>May 1, 2008</i>	31-51i(h)
Sec. 2	<i>May 1, 2008</i>	New section

Statement of Purpose:

To require consumer reporting agencies and other persons that purchase criminal records from the Judicial Department to obtain updated information from the Judicial Department and delete erased records prior to further disclosing such records.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]